

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE AT GREENEVILLE**

Lori K. Wilhoit,)
)
Plaintiff,)
)
v.) **Civil Action No. 2:08-cv-00304**
)
Time Insurance Company,)
)
Defendant.)

**DEFENDANT TIME INSURANCE COMPANY'S
MOTION FOR SUMMARY JUDGMENT**

Defendant, Time Insurance Company ("Time"), pursuant to Rule 56 of the Federal Rules of Civil Procedure, moves this Court for an Order granting summary judgment in its favor. There is no genuine issue as to any material fact with respect to Plaintiff, Lori K. Wilhoit's ("Wilhoit"), claim for benefits under the Medical Certificate issued to Wilhoit by Time, and Time is entitled to judgment as a matter of law dismissing Wilhoit's claim with prejudice.

Time relies on the contemporaneously filed Memorandum of Law in Support of Its Motion for Summary Judgment; Concise Statement of Undisputed Material Facts; and the Declaration of Dr. Scott Brumblay.

WHEREFORE, PREMISES CONSIDERED, Defendant Time Insurance Company respectfully prays that the Court grant its Motion for Summary Judgment and enter an Order dismissing Plaintiff's claims against Time Insurance Company with prejudice.

Respectfully Submitted,

s/ S. Russell Headrick
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing has been filed electronically on November 6, 2009. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

s/ S. Russell Headrick
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